

CODIFIED ORDINANCES OF BROOKLYN
PART SEVEN - BUSINESS REGULATION CODE

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CODIFIED ORDINANCES OF BROOKLYN
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CHAPTER 701
Admissions Tax

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CROSS REFERENCES
Deposit of public moneys - see Ohio R.C. 117.17

701.01 DEFINITIONS.

For the purposes of this chapter, words and phrases shall have the following meanings:

- (a) "Admission charge", in addition to its usual and ordinary meaning, means and includes: a charge made for season tickets or subscriptions; a cover charge or a charge made for use of seats and tables, reserved or otherwise, and similar accommodations; a charge made for food and refreshments in any place where any free entertainment, recreation or amusement is provided; a charge made for rental or use of equipment or facilities for purposes of recreation or amusement and, where the rental of the equipment or facilities is necessary to the enjoyment of the privileges for which a general admission is charged, the combined charge shall be considered as the admission charge and a charge made for automobile parking where the amount of the charge is determined according to the number of passengers in an automobile; a charge made and collected by the deposit of a coin into a machine or mechanical or electrical device, which machine thereby permits a person or operator to play a game or try the skill of an operator or person using such machine or which mechanical or electrical device thereby causes any person or operator to secure amusement, enjoyment, or relaxation by its use.

- (b) "Place" means any enterprise permitted, conducted or operated by a person, as defined by subsection (c) hereof, for which there is an admission charge. Examples of places, but not limited to the following are theaters, dance halls, amphitheaters, museums, auditoriums, stadiums, skating rinks, athletic pavilions and fields, parks, circuses, side shows, swimming facilities, tennis facilities, tennis courts, tennis clubs, paddle tennis courts, paddle tennis clubs, handball courts, squash courts, squash clubs, golf facilities, golf driving range, fairway or putting practice facilities, outdoor amusement parks and rides and observation towers, bowling alleys and places that have mechanical or electrical game devices.
- (c) "Person" means any individual, receiver, assignee, firm, co-partnership, joint venture, corporation, company, or any group of persons acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise.
- (d) "Finance Director" means the Finance Director of the City of Brooklyn.
- (e) "Mechanical or 'electrically operated' amusement device" means any machine, instrument, or device which, upon the insertion of a coin, slug, token, plate or disc, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score. It shall include such devices as marble machines, pinball machines, skill ball, mechanical grab machines and all games, operations or transactions similar thereto under whatever name they may be indicated. It shall not include merchandise vending machines.
(Ord. 1982-13. Passed 3-8-82.)

701.02 LEVY OF TAX; AMOUNT.

There is hereby levied and imposed upon every person who pays an admission charge to any place, including a tax on persons who are admitted free of charge or at reduced rates to any place for which other persons pay a charge or a regular higher charge for the same or similar privileges or accommodations:

- (a) A tax of three percent (3%) on the amounts received for admission to any public or private place, including admission by season, ticket, subscription or membership dues;
- (b) A tax of three percent (3%) on the amount received for admission to any public performance for profit at any cabaret or other similar entertainment, in case the charge for admission is in the form of a service charge, cover charge or other similar charge;
- (c) A tax of three percent (3%) on all admission charges paid into an "Amusement Machine", as defined in Section 701.01(e), for the use of such a coin-operated device, at whatever place located.
(Ord. 1982-13. Passed 3-8-82.)

701.03 EXEMPTIONS.

- (a) No tax shall be levied under this chapter with respect to any admission, all the proceeds of which inure:
 - (1) Exclusively to the benefit of religious, educational or charitable institutions, societies or organizations, if no part of the net earnings thereof inure to the benefit of any private stockholder or individual;

- (2) Exclusively to the benefit of persons in the military or naval forces of the United States, or of National Guard organizations, reserve officer associations or posts or organizations of war veterans, or auxiliary units or societies of any such posts or organizations, if such posts, organizations, units or societies are organized in the State and if no part of their net earnings inure to the benefit of any private stockholder or individual;
- (3) Exclusively to the benefit of persons who serve in the military or naval forces of the United States and are in need;
- (4) Exclusively to the benefit of members of the Police or Fire Departments of any municipal corporation, or the dependents or heirs of such members;
- (5) Exclusively to the benefit of the general revenue fund of any municipal corporation or exclusively to the benefit of any fund of any municipal corporation under the control of a recreation commission.

(b) The exemption from tax provided in this section shall not be allowed to any institution, society or organization which does not control the sale of admissions to the event for which the exemption is requested, nor shall any exemption be allowed where talent, services or other items are compensated for on a percentage basis if such percentage results in a payment in excess of the flat rate ordinarily charged for the same talent, services or other items.

(c) Immediately after the event for which an exemption from admission tax has been allowed, the treasurer of the institution, society or organization for which benefit such event was held shall file an itemized statement with the Finance Director, setting forth the amount of money actually received by such treasurer, together with the expenses of promoting and conducting such event. Such statement shall be used as a basis of subsequent requests for exemption from admissions tax for the benefit of such institution, society or organization, and if such statement shows a disproportionate expenditure for promoting and conducting such event, in relation to the profits, if any, no such exemption shall thereafter be allowed to such institution, society or organization. (Ord. 1982-13. Passed 3-8-82.)

701.04 COLLECTION AND REMITTANCE OF TAX; RETURNS.

(a) Every person receiving any payment on which a tax is levied under this chapter shall collect the amount of the tax imposed from the person making the admission payment. The tax required to be collected under this chapter shall be deemed to be held in trust by the person required to collect the same until paid to the Finance Director as herein provided.

(b) Any person required to collect the tax imposed under this chapter who fails to collect the same, or having collected the same, fails to remit the same to the Finance Director in the manner prescribed by this chapter, whether such failure is the result of his own act or the result of acts or conditions beyond his control, shall nevertheless be personally liable to the City for the amount of such tax and shall, unless the remittance is made as herein required, be guilty of a violation of this chapter.

(c) The tax imposed hereunder shall be collected at the time the admission charge is paid by the person seeking admission to any place and shall be reported and remitted by the person receiving the tax to the Finance Director in monthly installments on or before the tenth day of the month next succeeding the end of the monthly period in which the tax is collected or received.

collecting the tax from liability for payment and remittance of the tax to the Finance Director unless the check is honored and is in full and correct amount.

(d) The person receiving any payment for admission shall make out a return upon such forms and setting forth such information as the Finance Director may require, showing the amount of the tax upon admissions for which he is liable for the preceding monthly period, and shall sign and transmit the same to the Finance Director with a remittance for such amount.

(e) The Finance Director may, in his discretion, require verified annual returns from any person receiving admission payments, setting forth such additional information as he may deem necessary to determine correctly the amount of tax collected and payable.

(f) Whenever any theater, circus, show, exhibition, entertainment or amusement makes an admission charge which is subject to the tax herein levied, and the same is of a temporary or transitory nature, of which the Finance Director shall be the judge, the Finance Director may require the report and remittance of the admission tax immediately upon the collection of the same, at the conclusion of the performance or exhibition, or at the conclusion of the series of performances or exhibitions, or at such other times as the Finance Director shall determine.

(g) Failure to comply with any requirement of the Finance Director as to report any remittance of the tax as required shall be a violation of this chapter.
(Ord. 1982-13. Passed 3-8-82.)

701.05 INSPECTION OF BOOKS, RECORDS AND ACCOUNTS.

The books, records and accounts of any person collecting a tax herein levied shall, as to admission charges and tax collections, be at all reasonable times subject to examination and audit by the Finance Director.
(Ord. 1982-13. Passed 3-8-82.)

701.06 INTEREST FOR NONPAYMENT ON DUE DATE.

If the tax imposed by this chapter is not paid when due, there shall be added, as part of the tax, interest at the rate of one percent (1%) per month from the time when the tax became due until paid.
(Ord. 1982-13. Passed 3-8-82.)

701.07 CERTIFICATE OF REGISTRATION.

Any person conducting or operating any place for entrance to which an admission charge is made, shall, on a form prescribed by the Finance Director, make application to and procure from the Finance Director a certificate of registration, the fee for which shall be twenty-five dollars (\$25.00), which certificate shall continue valid until December 31, of the year in which issued. Such certificate of registration, or duplicate original copies thereof to be issued by the Finance Director without additional charge, shall be posted in a conspicuous place in each ticket or box office where tickets of admission are sold. (Ord. 1982-13. Passed 3-8-82.)

701.08 TEMPORARY OR TRANSITORY AMUSEMENT.

(a) Whenever a certificate of registration is obtained for the purpose of operating or conducting a temporary or transitory amusement, entertainment or exhibition by persons who are not

the owners, lessees or custodians of the building, lot or place where the amusement is to be conducted, the tax imposed by this chapter shall be reported and remitted as provided in Section 701.04 by the owner, lessee or custodian, unless paid by the person conducting the amusement.

(b) The applicant for a certificate of registration for such purpose shall furnish with the application therefor the name and address of the owner, lessee or custodian of the premises upon which the amusement is to be conducted, and such owner, lessee or custodian shall be notified by the Finance Director of the issuance of such certificate and the joint liability for collection and remittance of such tax.

(Ord. 1982-13. Passed 3-8-82.)

701.09 RULES AND REGULATIONS; COMPLIANCE REQUIRED.

(a) The Finance Director shall have the power to adopt rules and regulations not inconsistent with the terms of this chapter for carrying out and enforcing the payment, collection and remittance of the tax herein levied. A copy of any such rules and regulations shall be available at the City Hall.

(b) Failure or refusal to comply with any such rules and regulations shall be deemed a violation of this chapter.

(Ord. 1982-13. Passed 3-8-82.)

701.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than six months, or both. Each day's continued violation shall constitute a separate offense.

(Ord. 1982-13. Passed 3-8-82.)

CHAPTER 705

Alarm Systems

705.01	Permit required to install alarms.	705.05	Rules and regulations.
705.02	Permit and inspection fee.	705.06	Alarms directly connected to the City communication systems.
705.03	False alarm charge.		
705.04	Permit renewal.		

CROSS REFERENCES

Making false alarms - see GEN. OFF. 509.07

705.01 PERMIT REQUIRED TO INSTALL ALARMS.

Upon proper application, the Director of Public Safety or his authorized representative may issue a permit or permits authorizing the installation of emergency alarms at any residence or lawful business located within the City.
(Ord. 1982-42. Passed 11-9-82.)

705.02 PERMIT AND INSPECTION FEE.

(a) A fee of ten dollars (\$10.00) shall be paid to the City for each permit issued as provided herein, to cover administrative and inspection costs.

(b) Such permit shall not be transferable.
(Ord. 1982-42. Passed 11-9-82.)

705.03 FALSE ALARM CHARGE.

(a) A charge of fifty dollars (\$50.00) shall be assessed for each false alarm received through any emergency alarm service which the City has given permission to be installed. Such fee shall be assessed against the owner or operator of the business or residence for the alarm with which the false alarm is associated. (Ord. 1992-27. Passed 4-13-92.)

(b) Notwithstanding the fee to be assessed, as set forth in subsection (a) hereof, no charge shall be made for the first false alarm; nor shall there be any charge for a false alarm to which there is no response by the Police or Fire Divisions, nor when the cause has been proven to be an act of God, or when it has been established to the satisfaction of the Police Chief or Fire Chief that the owner or operator of the business or residence could not have prevented it with the exercise of ordinary care.

(c) Any charge for a false alarm, as provided for in subsection (a) hereof, which remains unpaid for thirty days after the date of invoice, shall result in the cancellation of the permit. (Ord. 1982-42. Passed 11-9-82.)

705.04 PERMIT RENEWAL.

No permit shall be renewed unless all payments due under this chapter are paid in full. (Ord. 1982-42. Passed 11-9-82.)

705.05 RULES AND REGULATIONS.

The Director of Public Safety or his authorized representative shall make and enforce such rules and regulations as he may deem necessary for the enforcement of the provisions hereof, and for the proper determination and collection of the fees and charges herein provided. (Ord. 1982-42. Passed 11-9-82.)

705.06 ALARMS DIRECTLY CONNECTED TO THE CITY COMMUNICATION SYSTEMS.

(a) No person shall install, erect, insert, attach, build, create or otherwise use any alarm system which by electronic, radio, automatic or mechanical means on the occurrence of a given event, circumstance or condition transmits a signal or voice communication for reception by either the City of Brooklyn Fire Department or Police Department on their established telephone lines or radio bands unless the requirements hereinafter set forth in subsection (b) hereof have been complied with.

- (b) (1) The installation of any alarm system in any building, residence, warehouse, show room, factory, commercial building or at any location whatsoever within the City causing a signal or voice communication to be transmitted to the existing telephone lines or radio receiving bands of the Brooklyn Fire Department or Brooklyn Police Department may be permitted only upon written application to the Director of Public Safety, and the approval by him of the application and the issuance of a permit for such installation.
- (2) It shall be a condition of the approval of such application that the applicant:
 - A. Install at his own expense, at a location determined by either the Police or Fire Department, either a telephone or radio, or such other instrument as may be otherwise required to receive the signal or voice communication message transmitted by the alarm unit. All installation, operating, maintenance, and continuing costs of the receiving instrument must be borne by the applicant and proof of the current payment of all charges thereon must be presented to the Director of Public Safety by the fifth day of each and every month that the unit remains installed.
 - B. Pay to the City a fee of one hundred dollars (\$100.00) concurrently with the approval of the application and the issuance of an installation permit.

(c) The receiving unit shall be permitted to remain for only so long as it does not interfere with the normal daily operation of the Police and Fire Departments. Upon the determination by the Director of Public Safety that such alarm system is not an aid to preventing crime, the apprehension of criminals, fighting fires or that it is disrupting or interfering with the daily operation of the Police or Fire Departments, the Director is authorized to cause the immediate disconnection, termination and removal of such unit.

(d) Any person who violates the provisions of this section shall upon conviction be deemed guilty of a misdemeanor of the first degree.
(Ord. 1970-23. Passed 10-12-70.)

CHAPTER 707
Banks and Financial Institutions

707.01 Security requirements for ATM=s.

707.01 SECURITY REQUIREMENTS FOR ATM=s.

(a) Within six months from the date this section is enacted all banks and other financial institutions in the City of Brooklyn providing access to an Automated Teller Machine which is located outside of a building or other structure shall have installed and have functioning for the safety of all users of Automated Teller Machines cameras capable of photographing the general area around the ATM as well as the areas of ingress and egress to the ATM.

(b) Within nine months from the date this section is enacted all ATMs located outside of a building or other structure shall be equipped with card activated 911 access.

(c) The location of the cameras required by this section must be inspected and approved by the Chief of Police or his designated representative.

(d) Whoever violates any provision of this section shall be guilty of a first degree misdemeanor. (Ord. 1996-7. Passed 2-12-96.)

CHAPTER 709 Coin-Operated Amusement Devices

709.01	Definitions.	709.05	Rewards, prizes or replaying
709.02	License required.		of tokens prohibited.
709.03	Application for license.	709.99	Penalty.
709.04	Issuance of license; fee.		

CROSS REFERENCES

Disturbing the peace - see GEN. OFF. 509.03

Gambling - see GEN. OFF. Ch. 517

Slugs - see GEN. OFF. 545.11

Tampering with coin machines - see GEN. OFF. 545.12

709.01 DEFINITIONS.

As used in this chapter, unless the context otherwise indicates:

- (a) "Mechanical or 'electrically operated' amusement device" means any machine, instrument, or device which, upon the insertion of a coin, slug, token, plate or disc, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score. It shall include such devices as marble machines, pinball machines, skill ball, mechanical grab machines and all games, operations or transactions similar thereto under whatever name they may be indicated. It shall not include merchandise vending machines.
 - (b) "Person" includes the following: any person, firm, corporation or association which owns any such machine; the person, firm, corporation or association in whose place of business any such machine is placed for use by the public; the person, firm, corporation or association having control over such machines.
 - (c) "Exhibitor" means any individual, corporation or other entity or agent, thereof, owning and exhibiting or contracting or permitting any mechanical or electrically operated amusement device, as defined in subsection (a) hereof, to be installed, used and exhibited in his own place of business irrespective of the ownership of such device.
- (Ord. 1982-14. Passed 3-8-82.)

709.02 LICENSE REQUIRED.

No person, either as owner, exhibitor, lessee or agent for another, shall keep, possess, use, exhibit or operate any mechanical or electrically operated amusement device for gain, unless such device displays in a prominent place the name and business address of the person owning the device, its serial number, and unless a license has first been secured from the Director of Public Safety. (Ord. 1982-14. Passed 3-8-82.)

709.03 APPLICATION FOR LICENSE.

Application for a license for a mechanical or electrically operated amusement game or device shall be made to the Director of Public Safety on forms provided by him and shall set forth the name, residence and business addresses of the exhibitor of the device and the place where the device is to be exhibited and the identity of the person having title to such device. (Ord. 1982-14. Passed 3-8-82.)

709.04 ISSUANCE OF LICENSE; FEE.

The Director of Public Safety upon the payment of a fee in the amount of twenty-five dollars (\$25.00) for each such amusement device, issue to the applicant a license(s) for such number of devices as have been requested and approved. The license(s) shall be displayed at all times in a prominent place on the licensed premises. All licenses shall be issued for a period not to exceed one year and shall expire on December of each year. No person shall exhibit a greater number of devices than are authorized by the license(s) issued for such premises. No license(s) may be transferred from one location to another, nor from one amusement device to another. (Ord. 1982-14. Passed 3-8-82.)

709.05 REWARDS, PRIZES OR REPLAYING OF TOKENS PROHIBITED.

(a) No person shall offer or give rewards or prizes of any kind, based upon the score obtained or the result of operation of an amusement device, or redeem for cash, merchandise or other thing of value, any token, slug or other evidence of the result of operation of the device, or permit to be replayed the device by means of any token, slug or other evidence of the result of operation of the device.

(b) Any device which the licensee or exhibitor, or the agent or employee thereof, knowingly permits to be used in violation of this section shall be subject to immediate seizure by any law enforcement officer of the City, and any person violating any provision of this section shall be subject to the penalty in Section 709.99. (Ord. 1982-14. Passed 3-8-82.)

709.99 PENALTY.

Whoever violates any provision of this chapter shall upon conviction be guilty of a misdemeanor of the fourth degree. A separate offense shall be deemed committed each day during or on which such violation occurs or continues. (Ord. 1982-14. Passed 3-8-82.)

CHAPTER 713 Public Social Functions

713.01 Permit required.

713.02 Permit fees.

713.03 Hours.

713.04 Police presence required.

CROSS REFERENCES

Power to regulate dancing academies or public ballrooms -
see Ohio R.C. 715.61

Intoxicating liquor in dance hall - see Ohio R.C. 4399.14

713.01 PERMIT REQUIRED.

(a) No person, corporation, firm or any other group of people acting individually or jointly shall sponsor or hold a public social function at which an admission fee is charged, directly or indirectly, or in which any consideration of any kind whatsoever is a prerequisite to gaining entrance, without first obtaining a permit from the Department of Public Safety and paying the fee therefor.

(b) All public social function permits must be applied for and issued not less than sixty days before the date of the event to be held.

(c) No public social function shall be held in any hall, whether public or private, school building, church building or any other location, whether or not a charge is made for the use or rental of such hall, without first obtaining a permit herein referred to.

713.02 PERMIT FEES.

Permit fees shall be charged as follows:

- (a) For public social functions held under the auspices and sponsorship of the Brooklyn Board of Education, or any recognized branch thereof, the sum of one dollar (\$1.00);
- (b) For public social functions held under the direct auspices or sponsorship of church or a bona fide organization thereof, attested to by the Pastor or person in charge of the church, the sum of one dollar (\$1.00);
- (c) Any other public social function under the auspices or promotion of any person, corporation, firm or group not expressly covered by subsections (a) and (b) above, a permit fee of fifty dollars (\$50.00).

713.03 HOURS.

No public social function shall commence or be allowed to continue after 12:00 Midnight and before 4:00 p.m. of the next preceding day.

713.04 POLICE PRESENCE REQUIRED.

A minimum of two City policemen or two members of the auxiliary police force shall be in attendance during the hours the public social function is being held. The sponsors or persons in charge of such event shall directly pay for the services of these men.
(Ord. 1988-12. Passed 3-14-88.)

CHAPTER 717 Home Sales

717.01	Home sale defined.	717.05	Advertising signs.
717.02	Intent.	717.06	Notification to City.
717.03	Maximum number of sales.	717.99	Penalty.
717.04	Hours and merchandise permitted.		

CROSS REFERENCES

Power to regulate secondhand dealers - see Ohio R.C. Ch. 4737
Signs - see GEN. OFF. Ch. 557

717.01 HOME SALE DEFINED.

As used in this chapter, "home sale" means a transfer of ownership of tangible personal property to the general public conducted on or within any portion of a residential premises, including, but not limited to, garage sales, patio sales, yard sales, basement sales, rummage sales, porch sales, driveway sales and the like. (Ord. 1985-56. Passed 6-24-85.)

717.02 INTENT.

(a) It is the intent of this chapter to regulate and control home sales conducted on or within residential premises but shall not be construed in a manner to curtail the average homeowner's or resident's attempt to conduct a sale but rather is directed at the chronic vendor who runs home sales as a part-time business on or within residential premises.

(b) This chapter shall not apply to:

- (1) Home sales conducted solely for or on behalf of non-profit corporations, religious institutions, clubs or lodges or to home sales conducted on real estate owned and/or occupied by such organizations.
 - (2) Sales conducted by nonconforming businesses located in residential zoning districts.
 - (3) Sales conducted pursuant to an order or process of a court of competent jurisdiction.
- (Ord. 1985-56. Passed 6-24-85.)

717.03 MAXIMUM NUMBER OF SALES.

No home sale shall be conducted by the same resident or a member of the family of such resident on the premises of such resident more than three times each calendar year. A "home sale" as used herein means a period of three days or less in any one calendar week. (Ord. 1985-56. Passed 6-24-85.)

717.04 HOURS AND MERCHANDISE PERMITTED.

(a) No person shall conduct a home sale except between the hours of 9:00 a.m. and 6:00 p.m. No home sale shall last more than three consecutive days.

(b) No person shall offer any merchandise for sale that has been purchased by or for, made a gift to, or for a consideration placed with, the resident for purposes of resale at such home sale.

(c) After the expiration of each day of the sale, all merchandise offered for sale shall be placed inside the premises and not within the view of the general public.
(Ord. 1985-56. Passed 6-24-85.)

717.05 ADVERTISING SIGNS.

Signs advertising home sales shall be permitted as regulated by City of Brooklyn Ordinance 1980-4 (Section 3A).
(Ord. 1985-56. Passed 6-24-85.)

717.06 NOTIFICATION TO CITY.

(a) Any person intending to conduct a home sale shall notify the Building Department personally, in writing, prior to the sale of:

- (1) The name of the person conducting the sale.
- (2) The street address of the location at which such home sale is to be conducted.
- (3) The date or dates of the home sale.
- (4) The number, if any, of previous such sales during the same calendar year.
- (5) Such other information as may be required by the Building Commissioner.

(b) The Building Commissioner shall maintain such records as are deemed necessary or appropriate for the administration of this chapter.
(Ord. 1985-62. Passed 9-24-85.)

717.99 PENALTY.

Whoever violates this chapter shall be guilty of a misdemeanor of the fourth degree. (Ord. 1985-56. Passed 6-24-85.)

CHAPTER 721

Ice Cream Vendors

721.01 Vendor's license required.
721.02 Fee.

721.03 Hours; noises.
721.99 Penalty.

CROSS REFERENCES

Pure food and drug law - see Ohio R.C. Ch. 3715
 Dairy products - see Ohio R.C. Ch. 3717
 Frozen deserts - see Ohio R.C. 3717.51 et seq.

721.01 VENDOR'S LICENSE REQUIRED.

No person, firm, or corporation shall offer for sale, sell, or distribute any ice cream, frozen cream bars, candy bars, popsicles, or any similar frozen product regardless of trade name, at retail on any street or public ground without first having obtained a vendor's license from the City; provided, however, that any retail store or establishment shall be exempt from the provisions of this chapter. (Ord. 1952-18. Passed 4-28-52.)

721.02 FEE.

The applicant for an ice cream vendor's license shall file a written application with the Director of Public Safety and shall pay a license fee of fifty dollars (\$50.00) for each vehicle used for such business. The license required by this chapter shall be obtained after the effective date of this chapter and shall be valid for the balance of the calendar year and may be renewed from year to year. (Ord. 1952-18. Passed 4-28-52.)

721.03 HOURS; NOISES.

No licensee shall be permitted to sell or distribute his products on the streets of the City between the hours of 9:00 p.m. and 8:00 a.m. and shall refrain from the use of bells, horns, sirens, whistles or noise-making gadgets. (Ord. 1952-18. Passed 4-28-52.)

721.99 PENALTY.

Any person, firm, corporation or association who violates any section of this chapter shall be guilty of a misdemeanor of the fourth degree. Each day's violation shall constitute a separate offense.

CHAPTER 725

Motion Picture Machines and Films

725.01	Picture machine defined.	725.07	Licensed operators.
725.02	Scope of chapter.	725.08	Operator's license.
725.03	Compliance required.	725.09	Certificate required.
725.04	Use.	725.10	Revocation.
725.05	Films within the booth.	725.11	Enclosure.
725.06	Hot carbons.	725.12	Portable booths.
		725.99	Penalty.

CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.48, 715.63, 3765.02
Public outdoor shows - see BUS. REG. Ch. 733

725.01 PICTURE MACHINE DEFINED.

"Picture machine" when used herein means any machine or device, either permanently located or portable in nature, operated by or with the aid of electricity, or any other illuminant, and which is designed, intended or used to project upon a screen, or other surface, pictorial representations through the use of any type of film, tape or other material or equipment.
(Ord. 1970-13. Passed 6-8-70.)

725.02 SCOPE OF CHAPTER.

The provisions of this chapter shall apply to theaters, auditoriums, schools, churches, halls, and such other exhibition or meeting rooms to which the public, or any segment thereof, are admitted to view the showing of any pictorial representations projected from a picture machine as hereinbefore defined. (Ord. 1970-13. Passed 6-8-70.)

725.03 COMPLIANCE REQUIRED.

No picture machine shall be installed, maintained or operated within the City except in conformity with the provisions of this chapter and such other provisions of the ordinances of the City relating to the installation and construction of a booth for the enclosing of a picture machine as well as the requirements relating to the contents, ventilation, doors, electrical installations and signs thereof together with such requirements relating to the location, construction and other safety regulations for theaters, exhibition or meeting halls, auditoriums or other places of amusement.
(Ord. 1970-13. Passed 6-8-70.)

725.04 USE.

All picture machines within which combustible film is used shall be equipped with incombustible magazines for receiving and delivering the films during the operation of the machine. A shutter must be provided and placed in front of the condenser of the machine, so arranged that it can be instantly closed by the operator.
(Ord. 1970-13. Passed 6-8-70.)

725.05 FILMS WITHIN THE BOOTH.

Films not in the picture machine, within the booth enclosing the machine, shall be kept in metal boxes with tight fitting covers.
(Ord. 1970-13. Passed 6-8-70.)

725.06 HOT CARBONS.

Hot carbons taken from the lamps used in the picture machines shall be deposited in a metal receptacle provided in the booth for such purpose.
(Ord. 1970-13. Passed 6-8-70.)

725.07 LICENSED OPERATORS.

Licensed picture machine operators only shall be employed or permitted to operate any picture machine as defined in Section 725.01 hereof unless exhibited by and incidental to the purposes of any charitable, religious, benevolent or educational institution, public or private.
(Ord. 1970-13. Passed 6-8-70.)

725.08 OPERATOR'S LICENSE.

(a) Application for a license shall be upon the form issued by the Director of Public Safety. Such application shall be granted if the Director of Public Safety finds that the applicant is qualified to perform the work for which the application is sought.

(b) Evidence that the applicant is currently licensed by the City of Cleveland, or other city or county with a qualified examination, shall be sufficient evidence of qualification so as to authorize the issuance of a license.

(c) Upon application, any such license required under this chapter, shall be issued to the applicant by the Director of Public Safety, upon payment by the applicant of a license fee of twenty-five dollars (\$25.00), and the furnishing of a bond as hereinafter provided. Such license shall be issued for a period of one year from January 1, of the year that it is issued, and shall expire on December 31, next following the date of issuance. Such license shall be renewed each year thereafter, for a like period, upon the payment of a license fee of ten dollars (\$10.00).
(Ord. 1970-13. Passed 6-8-70.)

725.09 CERTIFICATE REQUIRED.

No individual, partnership or corporation shall be permitted to conduct the business of moving picture exhibitions, as herein described, until he has applied for and procured from the Building Inspector a certificate that the premises wherein the exhibitions are to be given and the apparatus used in connection therewith are in compliance with the provisions of this chapter, and such other section of the ordinances of the City as may apply.
(Ord. 1970-13. Passed 6-8-70.)

725.10 REVOCATION.

The Building Inspector shall have authority and it shall be his duty, to revoke the license issued to any person, firm or corporation for conducting or maintaining picture machine exhibitions when he shall be satisfied that such licensee has violated any of the provisions of this chapter or such other sections of the ordinances of the City relating thereto; provided, however, that before revoking such license opportunity shall be given to such licensee to correct such violations. (Ord. 1970-13. Passed 6-8-70.)

725.11 ENCLOSURE.

Every motion picture projector, together with all related devices and equipment, shall be enclosed in a booth, room or rooms constructed as specified in this section. (Ord. 1970-13. Passed 6-8-70.)

725.12 PORTABLE BOOTHS.

Portable booths for the occasional projection of motion pictures shall be of a type and construction approved by the Building Inspector. A separate permit shall be secured from the Fire Department for each use of a portable booth and shall be secured for each use even though such booth is permanently maintained within the premises. (Ord. 1970-13. Passed 6-8-70.)

725.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a misdemeanor of the first degree.

CHAPTER 733 Public Outdoor Shows

733.01	Public outdoor show defined.	733.04	Duration of license.
733.02	License required.	733.05	Exceptions.
733.03	Performance standards.	733.99	Penalty.

CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.48, 715.63, 3765.02
 State licensing of portable amusement devices - see
 Ohio R.C. 1711.11(H), OAC 901-11-01
 County license for public shows - see Ohio R.C. Ch. 3765

733.01 PUBLIC OUTDOOR SHOW DEFINED.

"Public outdoor show", as used in this chapter, means any outdoor circus, menagerie, wild west show, dog or pony show, carnival or other show or exhibition, given, conducted, produced, presented or offered for gain or profit. (Ord. 1973-13. Passed 4-23-73.)

733.02 LICENSE REQUIRED.

No person, either as owner, lessee, manager, officer or agent, or in any other capacity, shall give, conduct, produce, present or offer for gain or profit any public outdoor show, without first securing from the Director of Public Safety a license for that purpose and paying therefor a license fee as hereinafter set forth. (Ord. 1973-13. Passed 4-23-73.)

733.03 PERFORMANCE STANDARDS.

Each outdoor public show shall comply with the following performance standards as a condition precedent to obtaining the license herein provided for.

- (a) All public outdoor show operations shall be conducted upon a lot situated entirely within a use district classified as an Industrial "E" District by the Brooklyn Zoning Map. However, if such lot is adjacent to a residence district, no operations of such public outdoor show shall be conducted within 100 feet of such residence district;
- (b) Every person, whether the owner, lessee, manager, officer, agent or employee of the public outdoor show, or who is connected therewith in any other capacity, shall be of good reputation and high moral character;

- (c) An applicant for the license provided for in Section 733.02 shall post a five hundred dollar (\$500.00) cash bond as surety for the compliance of such public outdoor show, or any person connected therewith, with the provisions of this chapter. If such provisions are complied with; such bond shall be returned to the applicant not later than five days after the cessation of the operations of the public outdoor show. However, upon the violation of any provision of this chapter, the Director of Public Safety shall order such bond to be forfeited and credited to the General Fund of the City.
(Ord. 1973-13. Passed 4-23-73.)

733.04 DURATION OF LICENSE.

Each license issued under the provisions of this chapter shall authorize the applicant to operate a public outdoor show at the place thereon described for not more than seven consecutive days, commencing on the day after the date of its issuance and no longer, subject to revocation or cancellation for noncompliance with any of the provisions of this or any other City ordinances or the laws of the State. No more than one license shall be issued to any one public outdoor show or applicant in any year.
(Ord. 1973-13. Passed 4-23-73.)

733.05 EXCEPTIONS.

Nothing contained in this chapter shall be deemed to regulate a public outdoor show operated by a charitable organization upon a lot owned by a charitable organization.
(Ord. 1973-13. Passed 4-23-73.)

733.99 PENALTY.

Whoever violates any of the provisions of this chapter shall be guilty of a misdemeanor of the first degree. Each day a violation continues shall constitute a separate offense.

CHAPTER 735

Tattooing and/or Body Piercing

735.01	Definitions.	735.06	Certificate of inspection, renewal, annual inspection.
735.02	License requirement.	735.07	Tattooing and/or body piercing diseased, intoxicated or drugged persons; minors.
735.03	Requirements.	735.99	Penalty.
735.04	Record keeping.		
735.05	Disposal of contaminated items.		

735.01 DEFINITIONS.

(a) The term ABuilding Commissioner@ shall mean the administrative official charged with the duty of administering the regulations of this Chapter, which promote the health, safety and welfare of the citizens of the City of Brooklyn.

(b) The term AHealth Officer@ shall mean a duly authorized employee of the Division of Environmental Health for the Cuyahoga County Health Department.

(c) The term Acertificate of inspection@ shall mean written approval from the Building Commissioner, or his authorized representative, that said tattooing and/or body piercing establishment has been inspected and meets all of the terms of this chapter.

(d) The term Aoperator@ shall mean any individual, firm, company, corporation or association, that owns or operates an establishment where tattooing and/or body piercing is performed and/or any individual who performs or practices the art of tattooing and/or body piercing on the person of another.

(e) The terms Atattoo@, Atattooed@, or Atattooing@ refer to any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or any other substance resulting in the coloration of the skin by the aid of needles and/or any other instruments designed to touch or puncture the skin.

(f) The terms Abody pierce@, Abody pierced@, or Abody piercing@ refer to any method of invasive penetration of the skin for decorative purposes, including ear piercing except when the ear piercing procedure is performed with an ear piercing gun.

(g) AEar piercing gun@ means a mechanical device that pierces the ear by forcing a disposable single-use stud or solid needle through the ear.

(h) Tattoo and/or body piercing Aestablishment@ means the location wherein tattooing and/or body piercing is performed.

(i) ABoard of Health@ means the Cuyahoga County Board of Health.

(j) ABusiness@ means any entity that provides tattoo and/or body piercing services. (Ord. 2000-29. Passed 5-22-00.)

735.02 LICENSE REQUIREMENT.

(a) It shall be unlawful for any person to engage in the business of operating a tattoo and/or body piercing establishment without first obtaining a license to engage in such business in accordance with the provisions hereof.

(b) An application for a license shall be accompanied by a fee in the amount of two hundred dollars (\$200.00). Any change of ownership shall require a new application and license, with payment of fees therefor.

(c) The license fee for engaging in the business of operating a tattoo and/or body piercing establishment within the City of Brooklyn shall be two hundred dollars (\$200.00) per year. Said license shall expire on December 31st of each calendar year, and the fee for licensing shall not be prorated.

(d) A tattoo and/or body piercing establishment will not be considered a Home Occupation and shall be limited to a G-B General Business District.

(e) A copy of valid Cuyahoga County Department of Health tattoo and/or body piercing license is required prior to issuance of City of Brooklyn tattoo and/or body piercing license. (Ord. 2000-29. Passed 5-22-00.)

735.03 REQUIREMENTS.

(a) Tattooing and/or Body Piercing Room.

- (1) The room in which tattooing and/or body piercing is done shall have an area of not less than one hundred (100) square feet. The walls, floors and ceiling shall have an impervious, smooth and washable surface.
- (2) A toilet and lavatory available to the public shall be located within the establishment and shall be accessible at all times that the tattooing and/or body piercing establishment is open for business. The lavatory shall be supplied with hot and cold running water, soap, and sanitary towels.
- (3) All tables shall have an impervious and non-absorbent surface, and other equipment shall be constructed of materials that can be easily cleaned, shall be finished in a light color, with a smooth washable finish, and shall be separated from waiting customers or observers by a panel at least six feet high or by a door.

- (4) The entire premises and equipment shall be maintained in a clean, sanitary condition, and in good repair.
- (b) Preparation for Tattoo and/or Body Piercing.
 - (1) The operator shall scrub his hands for two minutes with an antiseptic soap and water before starting to tattoo and/or body pierce; the hands shall be dried with individual, single-use towels. Surgical gloves shall be worn on both hands by the tattoo and/or body piercing operator while tattooing and/or body piercing.
 - (2) No skin shall be penetrated, abraded, burned or treated with chemicals for the purpose of removing, camouflaging, or altering any blemish, birthmark, scar or tattoo.
 - (3) Only a razor(s) with a new, single-service blade for each customer, or patron, or a straight-edge razor(s) may be used which will be a single-use razor to be discarded after use.
 - (4) The area to be tattooed and/or body piercing shall first be thoroughly washed for a period of two minutes with warm water to which has been added an antiseptic liquid soap. A sterile single-use sponge shall be used to scrub the area. After shaving and before tattooing and/or body piercing is begun, a solution of seventy percent alcohol shall be applied to the area with a single-use sponge used and applied with a sterile instrument.
 - (5) Only petroleum jelly in collapsible metal or plastic tubes, or its equivalent as approved by the Health Officer, shall be used on the area to be tattooed and/or body pierced, and it shall be applied with a sterile gauze.
 - (6) The use of styptic pencils, alum blocks, or other solid styptics to check the flow of blood is prohibited.
 - (7) Single-service or individual containers of dye or ink shall be used for each patron and the container thereafter shall be discarded immediately after completing work on a patron. Any dye in which the needles were dipped shall not be used on another person. Excess dye or ink shall be removed from the sink with an individual sterile sponge or a disposable paper tissue which shall be used only on one person and then immediately discarded. After completing work on any person, the tattooed and/or body piercing area shall be washed with sterile gauze saturated with an antiseptic soap solution approved by the Health Officer. Petroleum jelly from a collapsible or plastic tube shall be applied, using a sterile gauze. After the tattooed and/or body pierced area dry(s), a sterile gauze dressing shall then be fastened to the tattooed and/or body pierced area with adhesive.
- (c) Sterilization of Equipment and Storage.
 - (1) All clean and ready-to-use needles and instruments shall be kept in a closed glass or metal case or storage cabinet while not in use. Such cabinet shall be maintained in a sanitary manner at all times.
 - (2) Steam sterilizers, approved by the Health Officer shall be provided for each business. All needlebars, grips and tubes and similar instruments shall be sterilized before use on any customer, person or patron. (Alternate sterilizing procedures may be used when specifically approved by the Health Officer.) Sterilization of equipment will be accomplished by exposure to live steam for at least thirty minutes at a minimum pressure of fifteen (15) pounds per square inch, temperature of two hundred forty (240) degrees Fahrenheit or one hundred sixteen (116) degree Celsius.

- (3) The needles and instruments required to be sterilized shall be so used, handled and temporarily placed during tattooing and/or body piercing so that they will not be contaminated.
- (d) Medical Doctor.
 - (1) Tattooing and/or body piercing must be performed by a medical doctor licensed to practice medicine in the State of Ohio, or by an operator under the direction and supervision of an onsite medical doctor licensed to practice medicine in the State of Ohio.
 - (2) Any medical doctor retained by a tattoo and/or body piercing establishment pursuant to subsection (d)(1) hereof shall annually register with the City of Brooklyn prior to performing or supervising tattoo and/or body piercing operations.
 - (3) Any person who violates subsection (d)(1) hereof of this section is guilty of a misdemeanor of the first degree. Subsection (d)(1) shall be enforced by the Director of Public Safety or designee, the Division of Police, or any public health official.
- (e) Ohio Revised Code.
 - (1) Conformance with Chapter 3730 of the Ohio Revised Code regulating tattooing and body piercing in the State of Ohio.
 - (2) Obtain license from the Cuyahoga County Board of Health, Division of Environmental Health.
- (f) Tattoo and/or Body Piercing establishments licensed under provisions of this chapter shall be considered a permitted use in a G-B (General Business) District only.
(Ord. 2000-29. Passed 5-22-00.)

735.04 RECORD KEEPING.

Permanent records of each patron or customer shall be maintained by the licensee or operator of the establishment. Before the tattooing and/or body piercing operation begins, the patron or customer shall be required to enter, on a record form provided for such establishments, the date, his or her name, address, age, and his or her signature. This data will be verified by requiring the patron to produce a valid state driver=s license or other form of picture identification. The physician performing or supervising the tattoo and/or body piercing must affix his/her name to the record form and sign a statement verifying the performance of the duties required under this Chapter. Such records shall be maintained in the tattoo and/or body piercing establishment and shall be available for examination by the Building Commissioner. Records shall be retained by the operator or licensee for a period of not less than five (5) years. In the event of a change of ownership or closing of the business, all such records shall be retained by the proprietor and made available to the Building Commissioner upon request.
(Ord. 2000-29. Passed 5-22-00.)

735.05 DISPOSAL OF CONTAMINATED ITEMS.

(a) All pigments, dyes, or colors used in tattooing shall be sterile and free from bacteria, virus, particles, noxious agents, substances. The pigments, dyes and colors used from stock solutions for each customer or patron shall be placed in a single-service receptacle and such receptacle and remaining solution shall be discarded after use on each customer or patron.

(b) All bandages and surgical dressings used in connection with the tattooing and/or body piercing of a person shall be sterile and disposed of in a manner which complies with Ohio Revised Code 3734, pertaining to infectious waste.
(Ord. 2000-29. Passed 5-22-00.)

735.06 CERTIFICATE OF INSPECTION, RENEWAL, ANNUAL INSPECTION.

(a) An applicant for a license to operate a tattooing and/or body piercing establishment shall first obtain a Certificate of Inspection from the Building Commissioner, indicating the establishment has been inspected and is in compliance with the provisions of this chapter.

(b) The Health Officer shall conduct annual and other periodic inspections, as may be necessary, of any tattooing and/or body piercing establishment for the purpose of determining whether or not said establishment and the persons performing the art of tattooing and/or body piercing therein are in compliance with all applicable provisions contained within this regulation and other pertinent regulations of the Health District. It shall be unlawful for any person or operator of a tattooing and/or body piercing establishment to willfully prevent or restrain the Health Officer, or his designee, from entering any licensed establishment where tattooing and/or body piercing is being performed for the purpose of inspecting said premises, after proper identification is presented to the operator.

(c) The Certificate of Inspection shall be posted within the tattoo and/or body piercing establishment to serve as public notice that said establishment has been inspected and is in compliance with the provisions of this chapter. (Ord. 2000-29. Passed 5-22-00.)

735.07 TATTOOING AND/OR BODY PIERCING DISEASED, INTOXICATED OR DRUGGED PERSONS; MINORS.

(a) It shall be unlawful to tattoo, and/or body pierce any person who is known to have, or who shows signs of having any communicable disease or any disease of the skin. This includes but is not limited to rashes, pimples, boils, infections or any manifestation or evidence of unhealthy conditions.

(b) It shall be unlawful to tattoo, and/or body pierce, any individual under the influence of alcohol, and/or any narcotic drug or drug of abuse.

(c) It shall be unlawful for any tattoo and/or body piercing operator to be under the influence of alcohol and/or narcotic drug or drug of abuse when tattooing and/or body piercing.

(d) It shall be unlawful to tattoo and/or body pierce any individual who is under twenty-one (21) years of age, regardless of whether the operator knows this person to be less than twenty-one (21) years of age. The operator shall be considered strictly liable.

(e) Whoever violates this section is guilty of a misdemeanor of the first degree. This Section shall be enforced by the Director of Public Safety or designee, the Division of Police, and/or any public health official. (Ord. 2000-29. Passed 5-22-00.)

735.99 PENALTY.

(a) The City of Brooklyn may suspend or revoke a Tattoo and/or Body Piercing Establishment license for violation of this regulation.

(b) The provisions of this Chapter shall apply to all tattoo and/or body piercing establishments and/or tattoo and/or body piercing operators which are currently in existence, or which may come into existence after the effective date of this Chapter. The provisions of this chapter shall NOT apply to a Physician licensed to practice medicine in the State of Ohio who is tattooing for a medical purpose.

(c) In the event of conflict between any provisions of this Chapter or the Ohio Revised Code, including any rules and regulations adopted pursuant to this Chapter or the Ohio Revised Code, and any provisions of City ordinances, including any rules and regulations adopted pursuant to such ordinance, that provision or ordinance which establishes the higher standard for the promotion or protection of the health or safety of the people shall govern.

(d) Whoever violates any provision of Chapter 735 shall be guilty of a misdemeanor of the first degree. Such person and/or business shall be deemed guilty of a separate offense for each and every day or portions thereof during which any violation of any of the provisions of this Chapter is committed, permitted or continued. This Section shall be enforced by the Director of Public Safety or designee, the Division of Police, and/or any public health official. (Ord. 2000-29. Passed 5-22-00.)

CHAPTER 737 Solicitors and Peddlers

737.01	Definitions.	737.05	Fees.
737.02	Permit and license required.	737.06	Exhibition of license.
737.03	Application.	737.07	Revocation of license.
737.04	Investigation refusal or issuance.	737.08	Hours.
		737.99	Penalty.

CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.61
 Home solicitation sales - see Ohio R.C. 1345.21 et seq.
 Charitable solicitations - see Ohio R.C. Ch. 1716
 Ice cream vendors - see BUS. REG. Ch. 721

737.01 DEFINITIONS.

(a) "Person" as used in this chapter includes the singular and the plural and shall include any person, firm or corporation, association, club, copartnership or society, or any other organization.

(b) "Peddler" as used in this chapter includes any person, whether a resident of the City or not, traveling by foot, wagon, automotive vehicle, or any other type of conveyance, from place to place, from house to house or from street to street, carrying, conveying or transporting goods, wares, merchandise, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or taking orders for the purchase of goods, wares or merchandise by sample, lists, or catalogue, or subscriptions for books and magazines from a person not a dealer therein, or who, without traveling from place to place, shall sell or offer the same for sale from an automotive vehicle or other vehicle or conveyance. Provided, that the definition shall not be deemed to include any person engaged in the sale of dairy and bakery products by traveling over regularly established routes and transacting business on private property. "Peddler" includes "hawker", "huckster" and "solicitor".
 (Ord. 1974-27. Passed 5-31-74.)

737.02 PERMIT AND LICENSE REQUIRED.

No person shall engage in the business of peddler as defined in Section 737.01 within the City without first obtaining a permit and license therefor as provided herein.
 (Ord. 1974-27. Passed 5-31-74.)

737.03 APPLICATION.

Applicants for permit and license under this chapter must file a sworn application in writing on a form to be furnished by the Mayor which shall give the following information:

- (a) Name and description of the applicant.
- (b) Address (legal and local).
- (c) A brief description of the nature of the business and the goods to be sold.
- (d) If employed, the name and address of the employer, together with credentials establishing the exact relationship.
- (e) The length of the time for which the right to do business is desired.
(Ord. 1974-27. Passed 5-31-74.)

737.04 INVESTIGATION REFUSAL OR ISSUANCE.

(a) Upon receipt of the application, the original shall be referred to the Chief of Police, who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good.

(b) If the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police may, upon payment of the prescribed license fee, deliver to the applicant his permit and issue a license. The license shall contain the signature and shall show the name, address and photograph of the licensee, the date of issuance and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in such peddling. A permanent record of all licenses issued shall be kept by the Police Department.
(Ord. 1974-27. Passed 5-31-74.)

737.05 FEES.

The fee shall be three dollars (\$3.00) and shall be valid for a period of seven days from the date of issuance. The license may be renewable for an additional equal time period upon the payment of a renewal fee of one dollar (\$1.00). The license shall expire on December 31, in the year when issued.
(Ord. 1974-27. Passed 5-31-74.)

737.06 EXHIBITION OF LICENSE.

Peddlers are required to exhibit their licenses at the request of any citizen.
(Ord. 1974-27. Passed 5-31-74.)

737.07 REVOCATION OF LICENSE.

Permits and licenses issued under this chapter may be revoked by the Police Chief for any of the following causes:

- (a) Fraud, misrepresentation, or false statement contained in the application for license.
- (b) Fraud, misrepresentation or false statement made in the course of carrying on his business as a peddler.
- (c) Any violation of this chapter.
- (d) Conviction of any crime or misdemeanor involving moral turpitude.
- (e) Conducting the business of peddling in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
(Ord. 1974-27. Passed 5-31-74.)

737.08 HOURS.

No person shall engage in the business as a canvasser or solicitor, calling at residences within the City for the purpose of soliciting donations, gifts, money, goods, chattels, subscriptions, or business of any kind, between that period of time within a day commencing one-half hour before sunset and 11:00 a.m. of the next day following.
(Ord. 1963-67. Passed 12-23-63.)

737.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the first degree.

CHAPTER 739
Wireless Communication, Antennas and Towers

EDITOR=S NOTE: Ordinance 2002-32, passed July 17, 2002, repealed former Chapter 739 and enacted an interim application process on the issuance of permits for the construction of wireless telecommunication and related facilities. This chapter is reserved for future permanent legislation.

EDITOR=S NOTE: The next printed page is page 47.

CHAPTER 741

Temporary Businesses

741.01	Definitions.	741.06	Deposit for cleaning
741.02	License required.		premises.
741.03	Location of temporary business.	741.07	Exceptions.
741.04	License; fee and duration.	741.08	Display of license.
741.05	License revocation.	741.99	Penalty.

CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.64

741.01 DEFINITIONS.

"Temporary business" means a place opened and maintained for the sale to the public of goods, wares and merchandise other than within an enclosed, permanent building upon land within the City for a period of sixty days or less. (Ord. 1985-51. Passed 6-24-85.)

741.02 LICENSE REQUIRED.

With the exception of a business conducted inside a permanent building, no person shall engage in a temporary business of selling any merchandise or other property upon any public street, public ground or public park or any privately owned land within the City unless he has first procured a license to do so from the Chief of Police; however, the operator of any bona fide Flea Market consisting of a minimum of 150 stands need apply for only one license to conduct such Flea Market and shall furnish all information deemed necessary for the Chief of Police. (Ord. 1985-63. Passed 9-23-85.)

741.03 LOCATION OF TEMPORARY BUSINESS.

With the exception of a business conducted inside a permanent building, no person shall engage in a temporary business closer than 150 feet from the front property line on which such lot or parcel fronts. (Ord. 1985-51. Passed 6-24-85.)

741.04 LICENSE; FEE AND DURATION.

(a) Every person, whether principal or agent, who proposes to conduct or engage in a temporary business for the sale of goods, wares and merchandise within the City shall, before opening same and before offering for sale such goods, wares and merchandise, procure a license to do so from the Chief of Police.

(b) The applicant for a temporary business license shall furnish the Chief of Police with the following information on forms provided by the City:

- (1) Full name of the applicant.
- (2) Date of birth of applicant.
- (3) Local address, if any.
- (4) Permanent home address.
- (5) A physical description of the applicant setting forth age, height, weight, color of hair and eyes and sex.
- (6) Social Security Number, if any.
- (7) A description of the nature of the business and the location and the goods, wares or merchandise to be sold. Written consent of the owner of the premises shall be provided.
- (8) Telephone number of the applicant.
- (9) Number of employees.
- (10) Hours of operation.
- (11) A specimen of the applicant's signature.
- (12) Whether the applicant has ever been convicted of a crime and, if so, where and the nature of the offense and the punishment or penalty imposed therefor.

(c) A nonrefundable fee of twenty-five dollars (\$25.00) shall be submitted with the application.

(d) The applicant shall register with the Director of Finance, providing the Director their name, address, person or persons to whom correspondence may be directed, and such other information as the Finance Director may require.

(e) The license shall be valid for a period not to exceed sixty days unless earlier revoked. No license issued hereunder shall be assigned or transferred to another person.

(f) The Chief of Police shall issue a license to the applicant unless he has determined:

- (1) That the applicant has made a false, misleading, or deceptive statement in providing the information required under subsection (b) hereof; or
 - (2) That the applicant has been convicted of a felony or of a misdemeanor involving moral turpitude during the five years preceding the date of application; or
 - (3) That the proposed location of the temporary business would be detrimental to the public health, safety and welfare; or
 - (4) That the applicant has not registered with the Director of Finance as provided in subsection (d) hereof.
- (Ord. 1985-51. Passed 6-24-85.)

741.05 LICENSE REVOCATION.

(a) A license issued under this chapter shall be revoked by the Chief of Police for any of the following causes:

- (1) It is subsequently determined that the licensee provided false, misleading or deceptive information in completing the application form.
- (2) The licensee is convicted of a felony or of a misdemeanor involving moral turpitude.
- (3) The licensee is convicted of a violation of any provision of this chapter.

(b) Written notice of such revocation shall be given to the licensee by personal service or by certified mail immediately upon such revocation.
(Ord. 1985-51. Passed 6-24-85.)

741.06 DEPOSIT FOR CLEANING PREMISES.

The applicant shall also deposit, before such license is issued, the sum of fifty dollars (\$50.00) to guarantee the cost of cleaning the premises and removing any property therefrom after the termination of the business. If the premises on which such business is conducted are not cleaned and all merchandise, property, refuse and temporary structures are not removed therefrom and properly disposed of within forty-eight hours after the termination of the business, the Building Commissioner shall immediately cause such work to be done and report the cost thereof to the Director of Finance, who shall deduct such cost and return any balance of the deposit. The licensee shall be liable for any deficiency.
(Ord. 1985-51. Passed 6-24-85.)

741.07 EXCEPTIONS.

(a) The provisions of Sections 741.02 and 741.03 shall not apply to Brooklyn merchants who offer Christmas trees for sale at their place of business.

(b) The provisions of this chapter shall not apply to any activity, event or function conducted by or on behalf of any recognized non-profit, educational, philanthropic, civic, religious, political or charitable organization or group provided that the aforementioned organization or group or person on its behalf shall register with the Chief of Police stating the name of the organization or group, the nature of the activity, event or function being conducted, the duration of such activity, event or function shall furnish any other information deemed necessary by the Chief of Police.

(c) In the event an application for a license is not approved or in the event any license issued pursuant to the provisions of this chapter is revoked, written notice shall be given to the applicant or licensee by personal service or by certified mail. The applicant or licensee shall have the right to appeal such disapproval or revocation to the Board of Zoning and Building Appeals. The Board of Zoning and Building Appeals shall have the power to affirm, modify, or reverse the decision of the Chief of Police.
(Ord. 1985-51. Passed 6-24-85.)

741.08 DISPLAY OF LICENSE.

Any person conducting a temporary business within this City who has obtained a license in accordance with the provisions of this chapter shall, upon demand, exhibit such license to any police officer, or other city official. (Ord. 1985-51. Passed 6-24-85.)

741.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a misdemeanor of the first degree. Each day's continued violation shall constitute a separate offense.

CHAPTER 745

Fair Housing

745.01 Purpose.	745.10 Investigation.
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CROSS REFERENCES

General provisions - see Ohio R.C. Ch. 4112

745.01 PURPOSE.

It is hereby declared to be the purpose of this chapter to provide, within constitutional limitations, for fair housing throughout the City, to assure that all persons have full and equal opportunity to consider all available housing for themselves and their families within the City without being discriminated against on the basis of race, color, religion, sex, ancestry, handicap, familial status or national origin, and to promote a stable, racially integrated community. (Ord. 1994-20. Passed 3-28-94.)

745.02 DEFINITIONS.

As used in this chapter certain terms are defined as follows:

- (a) "Board" means the Fair Housing Review Board.
- (b) "Discriminate" or "discrimination" means to separate or segregate persons in a particular manner solely or in part because of race, color, religion, sex, ancestry, handicap, familial status or national origin; provided that "discriminate" or "discrimination" shall not include special outreach efforts conducted by or under the authority of units of local government (including agencies, departments and commissions thereof) or nonprofit fair housing corporations or agencies to ensure that persons of minority groups are fully informed of, and have access to, available dwelling opportunities in areas of present or prospective majority group concentration, or to ensure that persons of the majority group are fully informed of and have access to available dwelling opportunities in areas of present or prospective minority group concentration.
- (c) "Covered multi-family dwellings" means buildings consisting of four or more units if such buildings have one or more elevators, and ground floor units in other buildings consisting of four or more units.

- (d) "Dwelling" means a building or structure, or part thereof, used or designed or intended to be used for residential purposes.
- (e) "Familial status" means one or more individuals (who have not attained the age of eighteen years) being domiciled with:
- (1) A parent or another person having legal custody of such individual or individuals; or
 - (2) The designee of such parent or other person having such custody, with the written permission of such parent or their person; and shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years.
- (f) "Housing for older persons":
- (1) Means housing:
 - A. Provided under any State or Federal program that the Secretary of HUD determines is specifically designed and operated to assist elderly persons (as defined in the State or Federal program); or
 - B. Intended for, and solely occupied by, persons sixty-two years of age or older; or
 - C. Intended and operated for occupancy by at least one person fifty-five years or older per unit.
 - (2) The determination as to whether housing qualifies as housing for older persons under this subsection shall be consistent with regulations promulgated by the Secretary of HUD, providing at least the following factors:
 - A. The existence of significant facilities and services specifically designed to meet that physical or social needs of older persons; and
 - B. That at least eighty percent (80%) of the units are occupied by at least one person fifty-five years of age or older per unit; and
 - C. The publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons fifty-five years of age or older.
 - (3) Housing shall not fail to meet the requirements for housing for older persons by reason of:
 - A. Persons residing in such housing as of the date of enactment of the Fair Housing Act of 1988 who do not meet the age requirements of this subsection; provided that the new occupants of such housing meet such age requirements; or
 - B. Unoccupied units; provided that such units are reserved for occupancy by persons who meet the age requirements of this subsection.
- (g) "Lending institution" means any bank, savings and loan association, insurance company or other organization, or person regularly engaged in the business of lending money, guaranteeing loans for profit, or otherwise providing financial assistance or insurance in connection with the purchase, sale or rental of dwellings.
- (h) "Person" means one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers or fiduciaries.

- (i) "Purchase" means to obtain a dwelling through sale.
- (j) "Real estate agent" means a real estate broker or salesman, or a limited real estate broker or salesman, as defined in Ohio R.C. 4735.01.
- (k) "Rent" or "rental" means to lease, sublease, assign or otherwise grant or obtain the right to occupy a dwelling not owned by the occupant in return for consideration, or a contract or option to do any of the foregoing.
- (l) "Sale" or "sell" means to convey, exchange, transfer or assign legal or equitable title to, or beneficial interest in, a dwelling in return for consideration, or a contractor option to do any of the foregoing.
- (m) "Solicit" or "solicitation" means any conduct by a real estate agent, or an employee or agent thereof, intended to induce the owner of a dwelling within City to sell, rent or list the same for sale or rental. b
- (n) "Unlawful discriminatory practice" means any act prohibited by Section 745.04.
- (o) "Handicap" means, with respect to a person:
 - (1) A physical or mental impairment which substantially limits one or more of such person's major life activities;
 - (2) A record of having such an impairment; or
 - (3) Being regarded as having such an impairment;
 But such term does not include current, illegal use of or addiction to a controlled substance as defined in 21 U.S.C. Section 802.
 (Ord. 1994-20. Passed 3-28-94.)

745.03 EXEMPTIONS.

The provisions of this chapter shall not:

- (a) Prohibit a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members, provided such club does not discriminate in its membership policies on the basis of race, color, religion, sex, ancestry, handicap, familial status or national origin.
- (b) Require any person selling or renting property to modify such property in any way at his or her expense, provided that such person does not refuse to permit reasonable modifications by a handicapped person, necessary for that person to fully enjoy the premises in which he or she resides, when such modifications are made at the expense of the handicapped person, which permission may be conditioned on that person's promise to restore the premises to the condition in which it previously existed before granting permission for such modification, nor shall this chapter be construed to relieve any handicapped person of any obligation generally imposed on all persons regardless of handicap in a written lease, rental agreement, or contract of purchase or sale, or to forbid distinctions based on the inability to fulfill the terms and conditions, including financial obligations, of the lease, agreement, or contract, so long as such distinctions are not based on the handicap itself, or on the landlord's refusal to make reasonable modification in the lease, agreement or contract conditions for the purpose of denying a handicapped person equal opportunity to the use and enjoyment of the premises.

- (c) Prohibit restricting the sale or rental of a dwelling on the basis of handicap when such a dwelling is authorized, approved, financed or subsidized in whole or in part for the benefit of persons of a handicap by a unit of the State, local or Federal government, so long as such restrictions do not discriminate against otherwise qualified handicapped persons.
 - (d) Require that a dwelling be made available to a person with a handicap whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.
 - (e) Prohibit the applicability of any reasonable local, State or Federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling.
 - (f) With regard to familial status, apply to dwellings provided under any State or Federal program specifically designed and operated to assist elderly persons, as defined in the State or Federal program, or to housing for older persons provided that HUD has determined that such program or housing is exempt, which determination shall be conclusive.
 - (g) Prohibit a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap or familial status.
 - (h) Apply to any single-family house sold or rented by an owner, under the terms and conditions set forth in 42 U.S.C. Section 3603(b); or to rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.
 - (1) Apply to any single-family house sold or rented by an owner:
 - A. Provided, that such private individual owner does not own more than three such single-family houses at any one time;
 - B. Provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period;
 - C. Provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale of rental
 - more than three such single-family houses at any one time; 6
 - that after December 31, 1969 the sale or rental D. Provided further,
 - house shall be excepted from the of any such single-family
 - house is sold or rented: application of this chapter only if such
- 1. Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person; and

2. Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of 42 U.S.C. 3604(c);

But nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstracters, title companies, and other such professional assistance as necessary to perfect or transfer the title. (i) Prohibit conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in 21 U.S.C. Section 802.

(Ord. 1994-20. Passed 3-28-94.)

745.04 PROHIBITED ACTS; VIOLATIONS.

(a) It is hereby declared to be a discriminatory housing practice and unlawful for any person to:

- (1) Refuse to sell, transfer, assign, rent, lease, sublease, finance, negotiate or otherwise deny or make unavailable a dwelling to any person because of the race, color, religion, sex, ancestry, handicap, familial status or national origin of any present or prospective owner, occupant, or user of such dwelling or in the case of a handicapped persons, and associate thereof;
- (2) Represent to any person, because of race, color, religion, sex, ancestry, handicap, familial status or national origin, that a dwelling is not available for sale, rental or inspection when in fact it is available;
- (3) Refuse to lend money, or to purchase a loan, or to provide other financial assistance, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of a dwelling or otherwise withhold financing of a dwelling from any person because of the race, color, religion, sex, ancestry, handicap, familial status or national origin of any present or prospective owner, occupant or user of such dwelling, provided such person lends money as one of the principal aspects or incident to his principal business and not only as a part of the purchase price of an owner-occupied residence he is selling nor merely casually or occasionally to a relative or friend;
- (4) Discriminate against any person in the terms or conditions of selling, transferring, assigning, brokering, renting, leasing or subleasing any dwelling or in furnishing facilities, services or privileges in connection with the ownership, occupancy or use of any dwelling, including the sale of fire, extended coverage or homeowners insurance, because of the race, color, religion, sex, ancestry, handicap, familial status or national origin of any present or prospective owner, occupant or user of such dwelling, or in the case of a handicapped person, an associate thereof, or because of the racial composition of the neighborhood in which the dwelling is located; 6
- (5) Discriminate against any person in the terms or conditions of any loan of money, purchase of loans, or in providing other financial assistance, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of a dwelling because of the race, color, religion, sex, ancestry, handicap, familial status or national origin of any present or prospective owner, occupant or user of such dwelling, or because of the racial composition of the neighborhood in which the dwelling is located; 6

- (6) Refuse to consider without prejudice the purpose of extending mortgage credit to a married couple or either member thereof;
- (7) Print, publish or circulate any statement or advertisement or make any verbal statement, relating to the sale, transfer, assignment, rental, lease, sublease or acquisition of any dwelling or the loan of money, whether or secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of a dwelling which indicates any preference, limitation, specification or discrimination based upon race, color, religion, sex, ancestral, handicap, familial status, national origin, an intention to make any such preference, limitation, specification or discrimination;
- (8) Include in any transfer, rental or lease of a dwelling any restrictive covenant, based on race, color, religion, sex, ancestry, handicap, familial status or national origin, or honor or exercise, or attempt to honor or exercise, any such restrictive covenant, provided that the prior inclusion of such a restrictive covenant in the chain of title shall not be deemed a violation of this provision;
- (9) Induce or solicit or attempt to induce or solicit a dwelling listing, sale or transaction by representing that a change has occurred or may occur with respect to the racial, religious, sexual or ethnic composition of the block, neighborhood or area in which the dwelling is located, or induced or solicited or attempt to induce or solicit such sale or listing by representing that the presence or anticipated presence of persons of any race, color, religion, sex, ancestry, handicap, familial status or national origin, in the area will or may have results such as the following:
- A. The lowering of property values;
 - B. A change in the racial, religious, sexual or ethnic composition of the block, neighborhood or area in which the dwelling is located;
 - C. An increase in criminal or antisocial behavior in the area;
 - D. A decline in the quality of the schools serving the area.
- (10) Deny any person access to or membership or participation in any multiple-listing service, real estate agents' association or other service, association or facility relating to the business of selling or renting housing accommodations, or to discriminate against any person in the terms or conditions of such access, membership or participation on account of race, color, religion, sex, national origin, handicap, familial status or ancestry;
- (11) Coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of that person=s having exercised or enjoyed or having aided or encouraged any other person in the exercise enjoyment of, any right granted or protected by this section;
- (12) Discourage or attempt to discourage the purchase by a prospective purchaser of a dwelling, by representing that any block, neighborhood or area has undergone or might undergo a change with respect to the religious, racial, sexual, familial status or ethnic composition of the block, neighborhood or area;
- (13) Discriminate against any person, because of race, color, religion, sex, national origin, handicap, familial status or ancestry, in appraising the value of any dwelling in connection with the sale, brokering or rental of such dwelling;

- (14) Refuse to permit, at the expense of a handicapped person, reasonable

- modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premise, except that, in the case of a rental, no modification need be permitted unless the renter first agrees to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted unless previously negotiated with the landlord;
- (15) Refuse to make reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling;
 - (16) Construct covered multi-family dwellings that do not provide for accessibility and usability for physically handicapped persons in compliance with applicable State or Federal law, whichever is controlling;
 - (17) Discriminate in any manner against any other person because that person has opposed any unlawful practice defined in this chapter, or because that person has made a charge, testified, assisted or participated in any manner in any investigation, proceeding or hearing as provided pursuant to this chapter;
 - (18) Aid, abet, incite, compel or coerce the doing of any act declared by this chapter to be an unlawfully discriminatory practice, or to obstruct or prevent any person from complying with the provisions of this chapter, or any order issued pursuant thereto, or to attempt directly or indirectly to commit any act declared by this chapter to be an unlawful discriminatory practice. (Ord. 1994-20. Passed 3-28-94.)

745.05 POSTING OF NOTICES.

All real estate agents and all persons who operate or manage a dwelling with more than four dwelling units shall post in a conspicuous location in those areas of their places of business located within the City where prospective purchasers, sellers or renters normally make inquiries, and where the terms of a sale or rental are normally negotiated, a notice which contains the following language, printed on a light-colored background, in not less than fourteen point type:

"It is a violation of the Brooklyn Fair Housing Law, in connection with any housing activity, to discriminate against any person because of race, color, religion, sex, ancestry, handicap, familial status or national origin."

(Ord. 1994-20. Passed 3-28-94.)

745.06 FAIR HOUSING REVIEW BOARD.

(a) There is hereby created a Fair Housing Review Board, which shall consist of five members, including the Mayor or his designee, a member of Council, and three citizen members appointed by the Mayor and confirmed by Council. Of the citizen members first appointed, one shall be appointed for a term of one year, one for a term of two years, and one for a term of three years, and thereafter appointments shall be for three years.

(b) The Board shall have the responsibility to administer the provisions of this chapter and to adjudicate complaints alleging violations of Section 745.04. All administrative proceedings prescribed in this chapter shall be conducted at the Board's expense. The Board shall have and may exercise the following powers to implement the purposes of this chapter:

- (1) To hold adjudicative hearings, make findings of fact, issue orders, enforce such orders, and seek judicial and/or administrative relief with

respect to any such complaints in accordance with the provisions of this chapter;

- (2) To subpoena witnesses, compel their attendance, administer oaths, take sworn testimony, and, in connection therewith, to require the production for examination of any documents relating to any matter under investigation or in question before the Board, and enforce such powers by proper petition to any court of competent jurisdiction;
 - (3) To adopt such rules and regulations as the Board may deem necessary or desirable for the conduct of its business and to carry out the purposes of this chapter; and
 - (4) To do such other acts as are necessary and proper to perform those duties with which the Board is charged under this chapter.
- (Ord. 1994-20. Passed 3-28-94.)

745.07 ADMINISTRATOR.

The Mayor, upon recommendation of the Fair Housing Review Board, shall appoint an Administrator who may be a City employee. The Administrator shall have such duties, responsibilities and powers as may be provided by the Board, including, but not limited to, receipt and processing of complaints on behalf of the Board.

(Ord. 1994-20. Passed 3-28-94.)

745.08 COMPLAINTS.

Any person may allege that a violation of Section 745.04 has occurred, or that a violation will occur and cause injury, by filing with the Fair Housing Review Board, within one year of the alleged violation, a written complaint setting forth his or her grievance. The complaint shall state, on a printed form made available by the Board, the name and address of the complainant, the name and address of the person(s) alleged to have committed a violation of Section 745.05 and the particular facts thereof, and such other information as may be required by the Board. A complaint may be amended at any time. Upon the filing of a complaint, the Administrator shall acknowledge the receipt of the complaint, serving notice thereof to the complainant, which notice shall also contain information as to the time limits and choice of forum provided in this chapter. (Ord. 1994-20. Passed 3-28-94.)

745.09 NOTICE.

Within fifteen calendar days after a complaint has been received by the Fair Housing Review Board, the Administrator shall serve, or cause to be served, in person, or by certified mail, a copy of the complaint on the person (hereinafter referred to as "respondent") alleged to have violated Section 745.04. Along with the service of the complaint, the Administrator shall advise the respondent in writing of his or her procedural rights and obligations pursuant to this chapter. The respondent may file with the Board an answer to the complaint.

(Ord. 1994-20. Passed 3-28-94.)

745.10 INVESTIGATION.

Within thirty calendar days after a complaint has been received by the Fair Housing Review Board, the Administrator shall conduct an investigation of the complaint and shall determine either that:

- (a) There are reasonable grounds to believe that a violation of Section 745.04 has occurred, in which case the Administrator shall then initiate the conciliation process of Section 745.11; or

- (b) There are reasonable grounds to believe that a violation of Section 745.04 has not occurred, in which case the Administrator shall then dismiss the complaint by

preparing a written notice of dismissal, including the reasons therefor, and notify the parties of the dismissal, within five days, by servicing a copy of the notice of dismissal by certified mail on the parties. A copy of the notice shall also be filed with the Board. The notice of dismissal shall advise the complainant of his or her right of appeal under this section.

Within fourteen days of receipt of the notice of dismissal, the complainant may appeal by filing a written request with the Board for a review of the complaint. By a majority vote, the Board may overrule the dismissal and refer the complaint to the Administrator for conciliation pursuant to Section 745.11.

- (c) The Administrator shall complete the investigation within 100 days after receipt of the complaint, unless impracticable, in which case the Administrator shall inform, in writing, the complainant and the respondent of the reasons why the investigation cannot be completed within the time prescribed.

(Ord. 1994-20. Passed 3-28-94.)

745.11 CONCILIATION.

If the Administrator has made a determination pursuant to Section 745.10 that there are reasonable grounds to believe that a violation of Section 745.04 has occurred, or at such other time after a complaint has been filed, as appropriate, the Administrator shall:

- (a) Notify the complainant and respondent of the time, place and date of the conciliation conference at least ten days prior thereto, and both parties shall appear at the conciliation conference in person or by attorney; and
- (b) Attempt to resolve the complaint by methods of conference, conciliation and persuasion with all interested parties and such representatives as the parties may choose to assist them. Conciliation conferences shall be informal and nothing said or done during such conferences shall be made public unless the parties agrees thereto in writing. The terms of conciliation agreed to by the parties shall be reduced to writing and incorporated into a consent agreement to be signed by the parties, subject to approval by the Fair Housing Review Board. The terms of the conciliation agreement shall be made public unless the complainant and the respondent agree otherwise, and the Board determines that disclosure is not required to further the purposes of this chapter.

If the complaint has not been resolved by conciliation within sixty calendar days after it has been received, the Administrator shall refer the complaint to the Board for an adjudicative hearing.

(Ord. 1994-20. Passed 3-28-94.)

745.12 INJUNCTIVE RELIEF.

At any time after the filing of a complaint, the Administrator may request the Director of Law to petition the appropriate court for temporary or preliminary relief pending final determination of the proceedings under this chapter, or as otherwise necessary to carry out the purposes of this chapter, including an order or decree restraining the respondent from doing or causing any act which would render ineffectual any order or action by the Fair Housing Review Board. (Ord. 1994-20. Passed 3-28-94.)

745.13 HEARINGS.

Within thirty calendar days after the complaint is referred to the Fair Housing Review Board,

the Board shall, upon due and reasonable notice to all parties, conduct a hearing on the complaint. Parties to the hearing shall be the complainant and respondent, and such other persons as the Board may deem appropriate. The hearing shall be open to the public. At least seven days before the hearing, the Board shall serve upon respondent a statement of charges and a summons requiring the attendance of names persons and the production of relevant documents and records. The parties may apply to the Board to have subpoenas issued in the Board's name. Failure to comply with a summons or subpoena shall constitute a violation of this chapter. The parties may file such statements with the Board as they deem necessary. No fewer than three of the same members of the Board shall be present at all times during a hearing. The parties may appear before the Board in person or by duly authorized representative, and may be represented by legal counsel. The parties shall have the right to present witnesses, and all testimony and evidence shall be given under oath or by affirmation. (Ord. 1994-20. Passed 3-28-94.)

745.14 HEARING DECISIONS.

Where hearings have been held before the Fair Housing Review Board, only those members of the Board who have attended all hearings on the complaint shall participate in the determination of the complaint. Within fifteen days of the close of the hearing, the decision shall be rendered, in the form of a written order which shall include findings of fact, a statement of whether the respondent has violated Section 745.04, and such remedial actions as the Board may order pursuant to Section 745.16. The order shall be served upon the parties by certified mail within fifteen days of the date of the decision. The order shall be available for public inspection, and a copy shall be provided to any person upon request and payment of reproduction costs. (Ord. 1994-20. Passed 3-28-94.)

745.15 HEARING OFFICER.

The Fair Housing Review Board, in lieu of conducting a hearing upon complaint, may appoint a hearing officer for the purpose of conducting hearings and reporting the findings thereof to the Board. In conducting such hearings, the hearing officer shall be delegated all powers conferred upon the Board pursuant to this chapter as to subpoenaing witnesses, compelling their attendance, administering oaths, taking sworn testimony, and requiring the production for examination of any documents relating to any matter under investigation or question before the Board. Notice of hearing and the procedures therefor shall be in accordance with Section 745.13. After the conclusion of any hearing, the hearing officer shall report these findings to the Board within seven days. Within fifteen days after receipt of the findings of the hearing officer, the Board shall render its decision in accordance with Section 745.14. (Ord. 1994-20. Passed 3-28-94.)

745.16 REMEDIAL ACTIONS.

(a) If the Fair Housing Review Board finds that the respondent has not violated Section 745.04 its order under Section 745.14 shall dismiss the complaint.

(b) If the Board finds that the respondent has violated Section 745.04, its order under Section 745.14 shall provide for the taking of such remedial action(s) as it deems appropriate, which may include, but need not be limited to:

(1) Directing the respondent to cease and desist from violations of Section 745.04 and to take such affirmative steps as necessary to effectuate the purposes of this chapter;

(2) Initiating at the Board's expense, an appropriate court action for the enforcement of Section 745.04, and for such other or further relief as the court may deem appropriate, including, but not limited to, injunctive

relief, compensatory damages, punitive damages, and/or attorneys' fees
costs for award to the complainant; such court action shall be
event the respondent does not voluntarily comply with
by the Board;

d

required in the
remedial actions ordered

- (3) Initiating proceedings for violation of Federal or State law and/or regulations;
- (4) Initiating proceedings with any contracting agency, in the case of any violation of Section 745.04 by respondent in the course of performing under a contract or sub-contract with the State of any political subdivision or agency thereof, or with the United States of America or any agency or instrumentality thereof, for the purpose of causing a termination of such contract or any portion thereof, or obtaining other relief;
- (5) Initiating proceedings with the State of Ohio where applicable, to revoke, suspend or refuse to renew the license of any person found to have violated any provision of Section 745.04;
- (6) Directing the respondent to reimburse the complainant for his actual and reasonable expenses incurred and to be incurred as a result of each violation found including, but not limited to, expenses for moving and temporary storage of household furnishings, additional expenses in connection with the purchase or rental of a dwelling for alternative accommodations, and reasonable attorneys' fees and costs;
- (7) Assessing compensatory damages, as appropriate, or arrange to have adjudicated in court at the Board's expense the award of compensatory damages against the respondent;
- (8) Assessing civil penalties, as appropriate, or arrange to have adjudicated in court at the Board's expense the award of a civil penalty against the respondent;
- (9) Directing the respondent to comply with such other further relief as the Board may deem appropriate for the enforcement of Section 745.04.

(c) The Board shall make a final administrative disposition of a complaint within one year after the complaint has been filed, unless it is impracticable to do so, in which case the complainant and the respondent shall be notified in writing of the reasons why disposition of the complaint cannot be made within the time prescribed.

(d) Nothing herein shall be construed to prevent the Board, at its own expense, from initiating appropriate court action on behalf of the complainant in order to enforce the provisions of this chapter. In addition, upon a finding by the Administrator that there are reasonable grounds to believe that a violation of Section 745.04 has occurred, as provided in Section 745.10, either the complainant or the respondent, in lieu of participating in the administrative hearing process before the Board, or at any time during such administrative process, may elect to have the case heard in a civil action. Upon notification thereof, the Board, at its expense, shall initiate a civil action in a court of law on behalf of the complainant.

(e) The complainant and the respondent shall have the right to appeal an adverse final determination by the Board to the Cuyahoga County Common Pleas Court pursuant to Ohio R.C. Chapter 2506, or in such other forum or court of competent jurisdiction as provided by law.

(Ord. 1994-20. Passed 3-28-94.)

745.17 JUDICIAL RELIEF.

The City, or complainant, or any person aggrieved by a violation of any provision of this chapter may, at any time within one year from the date of the alleged violation, and in lieu of proceeding with the administrative process set forth in this chapter, apply to any court of competent jurisdiction for appropriate relief including, but not limited to:

- (a) Injunctive relief or any order otherwise compelling compliance with this chapter;
- (b) Compensatory damages, and/or punitive damages;
- (c) Reasonable attorneys' fees and costs provided that such complainant, in the opinion of the court, is not financially able to assume such attorneys' fees; and/or
- (d) Such other or further relief as is appropriated for the enforcement of this chapter and the elimination of violations thereof.

(Ord. 1994-20. Passed 3-28-94.)

745.18 ADDITIONAL REMEDIES.

This chapter shall not prevent the City or any person from exercising any right or seeking any remedy to which that person might otherwise be entitled, or from filing any complaint with any other agency or court of law or equity.

(Ord. 1994-20. Passed 3-28-94.)

745.19 SEVERABILITY.

If any provision of this chapter is held to be unconstitutional or otherwise invalid by any court or competent jurisdiction, the remaining provisions of the chapter shall not be invalidated. (Ord. 1994-20. Passed 3-28-94.)

Excise Tax on Hotel Accommodations

747.01	Definitions.	747.06	Appeals.
747.02	Levy of tax.	747.07	Returns to be confidential.
747.03	Collection of tax.	747.08	Separability.
747.04	Certificate of registration.	747.99	Penalty.
747.05	Rules and regulations.		

747.01 DEFINITIONS.

The following words or phrases when used in this chapter shall have the meanings respectively ascribed to them in this section:

- (a) "Excise tax" means the tax made by the City on transactions by which lodging by a hotel is or is to be furnished to transient guests.
- (b) A Person@ includes individuals, receivers, assignees, trustees in bankruptcy, estates, firms, partnerships, associations, joint stock companies, joint ventures, clubs, societies, corporations, the State and its political subdivisions and combinations of individuals of any form.
- (c) "Hotel" means every establishment kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered to guests, in which five or more rooms are used for the accommodation of such guests, whether such rooms are in one or several structures.
- (d) "Transient guests" means persons occupying a room or rooms for sleeping accommodations for less than thirty consecutive days.
(Ord. 1998-34. Passed 6-22-98.)

747.02 LEVY OF TAX.

There is hereby levied and imposed upon every person who is a transient guest in a hotel and pays a charge for such lodging a tax of three percent (3%) on the amount paid for the lodging in such hotel, irrespective of whether such lodging is paid by cash or credit card. The tax shall apply to every hotel within the City for which a charge is made, notwithstanding that the reservation of the lodging is made outside the City. (Ord. 1998-34. Passed 6-22-98.)

747.03 COLLECTION OF TAX.

(a) Every person receiving any payment upon which a tax is levied under this chapter shall collect the amount of the tax imposed from the person making the lodging payment. The tax required to be collected under this chapter shall be deemed to be held in trust by the person required to collect the same until paid to the Director of Finance as herein provided. Any person required to collect the tax imposed under this chapter who fails to collect the same, or having collected the same, fails to remit the same to the Director of Finance in the manner prescribed by this chapter, whether such failure is the result of his own act or the result of acts or conditions beyond his control, shall nevertheless be personally liable to the City for the amount of such tax and shall, unless the remittance is made as herein required, be guilty of a violation of this chapter. The tax imposed hereunder shall be collected at the time the lodging charge is paid by the transient guest seeking lodging in a hotel and shall be reported and remitted by the person receiving the tax to the Director of Finance in monthly installments and remittances therefor on or before the thirtieth day of the month next succeeding the end of the monthly period in which the tax is collected or received. Payment or remittance of the tax collected may be made by check, unless payment or remittance is otherwise required by the Director of Finance, but payment by check shall not relieve the person collecting the tax from liability for payment and remittance of the tax to the Director of Finance unless the check is honored and is in the full and correct amount. The person receiving any payment for lodgings from a transient guest shall make out a return upon such forms and setting forth such information as the Director of Finance may require, showing the amount of the tax upon lodgings for such which he is liable for the preceding monthly period, and shall sign and transmit the same to the Director of Finance with a remittance for such amount, provided that the Director of Finance may, in his discretion, require verified annual returns from any person receiving lodging payments setting forth such additional information as he may deem necessary to determine correctly the amount of tax collected and payable, and failure to comply with any requirement of the Director as to report and remittance of the tax as required shall be a violation of this chapter.

(b) The books, records and accounts of any person collecting a tax herein levied shall, as to lodging and tax collections, be at all reasonable times subject to examination and audit by the Director of Finance. If the tax imposed by this chapter is not paid when due there shall be added, as part of the tax, interest at the rate of one percent per month from the time the tax became due until paid. (Ord. 1998-34. Passed 6-22-98.)

747.04 CERTIFICATE OF REGISTRATION.

Any person conducting or operating any place for lodging for transient guests shall, on a form prescribed by the Director of Finance, make application to and procure from the Director of Finance a certificate of registration, the fee for which shall be one dollar (\$1.00), which certificate shall continue valid until December 31 of the year in which the same is issued. Such certificate of registration, or duplicate original copies thereof, to be issued by the Director of Finance without additional charge, shall be posted in a conspicuous place. (Ord. 1998-34. Passed 6-22-98.)

747.05 RULES AND REGULATIONS.

(a) The Director of Finance shall have the power to adopt rules and regulations not inconsistent with the terms of this chapter for carrying out and enforcing the payment, collection and remittance of the tax herein levied and a copy of such rules and regulations shall be published in the City record at least once before they shall become effective and copies shall be printed and made available in the office of the Director of Finance. Failure or refusal to comply with any such rules or regulations shall be deemed a violation of this chapter.

(b) Until such time as rules and regulations are promulgated under this section, the rules and regulations of the Department of Taxation, State of Ohio, relating to excise taxes in effect on March 11, 1968, except as the same may conflict with the provisions of this chapter, shall be deemed to be the rules and regulations hereunder.
(Ord. 1998-34. Passed 6-22-98.)

747.06 APPEALS.

Appeals from any ruling of the Director of Finance hereunder shall be made to Council in the same manner as other appeals to Council and Council shall have authority to annul, modify or affirm any such ruling appealed from, in conformity with the intent and purpose of this chapter.
(Ord. 1998-34. Passed 6-22-98.)

747.07 RETURNS TO BE CONFIDENTIAL.

All returns and information relating to the business of any person required to collect the tax imposed by this chapter and coming into the possession of the Director of Finance, his agents and employees shall be held confidential. No person shall make any disclosure thereof unless ordered by a court of competent jurisdiction except, however, that the Director of Finance may furnish the Bureau of Internal Revenue, Treasury Department of the United States with copies of returns filed.
(Ord. 1998-34. Passed 6-22-98.)

747.08 SEPARABILITY.

Sections 747.01 to 747.07, inclusive, and each part of such sections, are hereby declared to be independent sections or parts of sections, and notwithstanding any other evidence of legislative intent it is hereby declared to be the controlling legislative intent that if any provision of such sections, or the application thereof to any person or circumstances, is held invalid, the remaining sections or parts of sections, and the application of such provision to any persons or circumstances, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared that this chapter would have been passed independently of such section, sections or parts of a section so held to be invalid.
(Ord. 1998-34. Passed 6-22-98.)

747.99 PENALTY.

(a) Whoever being a person charged by this chapter with the duty of collecting or paying the taxes imposed by this chapter willfully fails or refuses to charge and collect or to pay such taxes, or to make return to the Director of Finance as required by this chapter, or to permit the Director of Finance or his duly authorized agent to examine his books and other records, in or upon any premises where the same are kept, to the extent necessary to verify any return made or to ascertain and assess the tax imposed by this chapter if no return was made, or to maintain and keep for three years or such lesser or greater time as may be permitted or required by the Director of Finance, shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) and upon conviction for a second or other subsequent offense shall, if a corporation, be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or if an individual or member of a partnership, firm or association, be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) or imprisoned not more than sixty days, or both.

(b) Whoever violates Section 747.07 shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than thirty days, or both, for each violation. In addition, the violator shall thereafter be disqualified from acting in any official capacity whatsoever in connection with the assessment or collection of taxes under this chapter.
(Ord. 1998-34. Passed 6-22-98.)

CHAPTER 749

Registration of Contractors

749.01	Definition.	749.05	Use of name by others.
749.02	Qualifications for registration; term and insurance.	749.06	Registration revocation or suspension.
749.03	Certificate of registration required.	749.07	Conflicting ordinances.
749.04	Permit required; exceptions.	749.08	Fee.
		749.99	Penalty.

749.01 DEFINITION.

"Contractor", for the purposes of this chapter, means any individual, firm, co-partnership, corporation, association or other organization or any combination of any thereof, who or which by himself or itself, or by or through others, constructs, erects, alters, repairs, adds to, subtracts from, reconstructs or remodels any building, structure or appurtenance thereof, which requires the issuance of a building permit, or who or which undertakes or offers to undertake, or purports to have the capacity to undertake, or submits a bid or proposal to do so. The term "contractor" includes subcontractor and specialty contractors whose operations are such as the performance of construction work requiring special skill and whose principal contracting business involves the use of specialized building trades or crafts requiring the issuance of a building permit. (Ord. 1994-93. Passed 9-26-94.)

749.02 QUALIFICATIONS FOR REGISTRATION; TERM AND INSURANCE.

- (a) (1) Applicants for registration as electrical, plumbing, heating/air conditioning or mechanical contractors doing commercial/multi-family/industrial work must hold current license for that trade issued by the Ohio Construction Industry Examining Board.
- (2) Applicants for registration as electrical, plumbing or heating/air conditioning contractors doing one and two family work only must hold a current license for that trade issued by the Ohio Construction Industry Examining Board, or a license issued by a municipality after written examination.
(Ord. 2001-31. Passed 6-25-01.)

(b) The applicant shall provide any and all references as may be requested on the application form in the manner provided.

(c) All registrations shall expire on December 31 of the year in which they are in force. Renewal of registration may be commenced thirty days prior to the expiration date.

(d) Every applicant for registration shall, upon the approval of his applications, furnish and file with the Building Inspector, proof of liability and property damage business insurance in a minimum sum of one hundred thousand dollars to three hundred thousand dollars (\$100,000/\$300,000) for liability insurance and fifty thousand dollars (\$50,000) property damage. Such insurance shall be approved as to form by the Director of Law, and as to company, by the Mayor.

(e) Evidence of repeated violation of the Building Code or other ordinances shall be sufficient evidence to disqualify the applicant from receiving a certificate of registration. (Ord. 1994-93. Passed 9-26-94.)

749.03 CERTIFICATE OF REGISTRATION REQUIRED.

(a) On and after July 1, 1980 no person, firm or corporation shall engage in the business or act in the capacity of a contractor, except pursuant to the Certificate of Registration issued by the Building Commissioner. Certificates of Registration shall be in the form, style and contents prepared by the Building Commissioner and its issuance shall be conditioned upon the completion of an application in the form, style and content as shall be prepared by the Building Commissioner.

(b) The Certificate of Registration shall be valid only for the calendar year in which it is issued and shall expire on December 31 of each year.

(c) Applications for Certificates of Registration and renewals thereof shall be sworn or affirmed to by the applicant before a notary public. All applications for certificates and renewals thereof shall be kept on file in the Division of Building for not less than three years. (Ord. 1994-93. Passed 9-26-94.)

749.04 PERMIT REQUIRED; EXCEPTIONS.

(a) No permit required to be issued by the Division of Building, Building Commissioner, any other person or by the provisions of any building code shall be issued for work to be undertaken by contract, except to a registered contractor.

(b) No provision of this chapter shall be interpreted or applied so as to require that the owner of a one or two family dwelling shall be registered to personally perform work upon the premises occupied or to be occupied by the owner thereof as such owner's established legal residence. All such work shall be done by such owner with the assistance only of any member of his family or household. Such work shall be done in conformity with the provisions of the Building Code and no work shall be done unless all permits, inspection and approvals required by the Building Code are secured.

(c) The provisions of this chapter shall not be interpreted or applied to require registration for officials or employees of Federal, State, County or Municipal governmental agencies or to employees or officials of public utilities who engage in the installation, alteration, repair, maintenance or utilization of any device, appliance, installation or appurtenance forming part of the equipment for generation, transmission or distribution of any commodity or service which such public utility organization is authorized by law to furnish or provide, except that should work covered by the Building Code be contracted to outside concerns, then such contractors shall be registered, as provided herein. (Ord. 1994-93. Passed 9-26-94.)

749.05 USE OF NAME BY OTHERS.

No one registered under the provisions of this chapter shall allow or permit his or its name to be used in acquiring any permit or doing any work as described herein. All work performed shall be under the direct supervision of the registered person.
(Ord. 1994-93. Passed 9-26-94.)

749.06 REGISTRATION REVOCATION OR SUSPENSION.

(a) The Building Commissioner may suspend for a period of not to exceed six months or revoke any certificate of registration issued under the provisions of this chapter for any of the following reasons:

- (1) Misrepresentation of a material fact by the applicant in obtaining registration or renewal thereof;
- (2) Use of a registration in obtaining permits for another person;
- (3) Faulty or defective workmanship;
- (4) Departure from or disregard of plans and specifications filed with the application for a permit;
- (5) The noncompliance with or violation of any provision of the Building Code;
- (6) Failure to secure permits, inspections and approvals required by the Building Code;
- (7) Failure or refusal to correct a violation of the Building Code;
- (8) Unethical business practices, or conviction of a crime involving moral turpitude.

(b) A registrant whose registration has been suspended or revoked may appeal such order of suspension or revocation to the Board of Zoning and Building Appeals. Such appeal shall be made within twenty days after receipt of the Commissioner's order of suspension or revocation. The Board may affirm, reverse or modify any action taken by the Building Commissioner.
(Ord. 1994-93. Passed 9-26-94.)

749.07 CONFLICTING ORDINANCES.

All former ordinances or parts therein conflicting or inconsistent with the provisions of this ordinance or any part hereof are hereby repealed. (Ord. 1994-93. Passed 9-26-94.)

749.08 FEE.

Effective immediately every applicant for a Certificate of Registration shall pay a fee of seventy-five dollars (\$75.00) to the Building Commissioner for each certification held concurrently with the filing of the application(s), which sums shall be deposited to the General Fund of the City.
(Ord. 2001-31. Passed 6-25-01.)

749.99 PENALTY.

Whoever violates any provision of this chapter shall upon conviction be guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars (\$500.00) or imprisonment of not more than six (6) months, or both.
(Ord. 1994-93. Passed 9-26-94.)

CHAPTER 753
Outside Sale and Display of Merchandise

753.01 Permitted outside sales and display of merchandise.

753.01 PERMITTED OUTSIDE SALES AND DISPLAY OF MERCHANDISE.

(a) The sale of gasoline and oil and the display and sale of small automotive accessories, such as wiper blades, radiator and gas caps at a gasoline station is permitted in an open yard. The display and sale of automotive tires in an open yard at gasoline stations shall also be permitted so long as such display and sale is not considered by the Safety Director to constitute a traffic hazard.

(b) The sale of seasonal merchandise such as Christmas trees and pumpkins may be displayed for a period not exceeding 30 days by application for a special permit through the Safety Director. Each business is limited to the issuance of three (3) special permits in any calendar year.

(c) The sale of garden supplies and furniture and nursery stock, provided the operation is in connection with an established business conducted within a building not more than 150 feet therefrom, and provided goods are not sold, displayed or stored in a required yard.

(d) Sales outside an enclosed building conducted by a tenant or owner of the premises at which sale is held with such owner or tenant also conducting its regular business wholly within an enclosed building at the sale location provided that no merchandise is sold, displayed or stored in a required yard; the display area of such sale shall not exceed the width of tenant's or owner's individual store frontage and shall not block any entrance or exit or obstruct the use of public sidewalks; and such sale is conducted only during the tenant's or owner's normal business hours and such sale is limited to the same type of merchandise generally sold by the tenant or owner wholly within an enclosed building at the premises where the sale is being conducted. Prior to conducting such sale the tenant or owner of the premises shall file with the Safety Director an application for a permit therefor. If in the opinion of the Safety Director the outside sale is suitable according to building, sanitation and fire laws of the City and State he may issue a permit to the tenant or owner of the premises. The duration of each permit will not be valid for more than seven (7) days and no more than three (3) permits shall be issued to each business per year. Furthermore a time period of at least 60 days must elapse between the issuance of permits to each business.

(e) Any activity, event or function conducted by or on behalf of any recognized non-profit, educational, philanthropic, civic, religious, political or charitable organization or group provided that the aforementioned organization or group or person on its behalf first registers with the Safety Director stating the name of the organization or group, the nature of the activity, event or function being conducted, the duration and location of such activity, event or function and providing such other information deemed necessary by the Safety Director, including evidence satisfactory to the Safety Director that the organization or group is a recognized nonprofit, educational, philanthropic, civic, religious, political or charitable organization or group and that the person registering the organization or group is, in fact, authorized to act on its behalf. Written consent of the owner of the premises or other duly authorized person shall be provided. The registration shall be valid for a period not to exceed three days from the date the activity, event or function first commences unless earlier revoked.

(f) No registration shall be assigned or transferred to any other organization, group or person. The proposed location of the activity, event or function shall not constitute a hazard to the public health, safety and welfare and shall be approved by the Safety Director. The approval of a registration shall constitute a temporary waiver of use restrictions, yard requirements, height regulations and accessory off-street parking requirements. No registration issued pursuant to this section shall be issued to any one given premises more than four times in any calendar year.

(g) Any false, misleading or deceptive information provided by the registrant shall be cause for immediate revocation of the registration. (Ord. 1997-80. Passed 6-23-97.)

CHAPTER 755

Gas Stations

755.01 Toilet, hand washing facilities.

755.99 Penalty.

CROSS REFERENCES

Posting information - see GEN. OFF. 541.14

Outdoor sales, display of merchandise - see BUS. REG. 753.01

Conditional use regulations - see P. & Z. 1129.01(d)(2)

755.01 TOILET, HAND WASHING FACILITIES.

(a) Every gasoline service station in the City of Brooklyn shall provide its customers with adequate toilet facilities.

(b) Conveniently located hand washing facilities shall be provided for all toilet rooms, including a wash bowl, supplied with running hot and cold water, soap and sanitary towels or other approved drying facilities.
(Ord. 1988-04. Passed 1-11-88.)

755.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the fourth degree. (Ord. 1988-04. Passed 1-11-88.)

CHAPTER 757
Unit Pricing of Consumer Commodities

757.01	Definitions.	757.05	Responsibility for compliance.
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757.03	Means of disclosure.		
757.04	Extension of time for compliance.		

757.01 DEFINITIONS.

For the purposes of the application of this chapter the following definitions shall apply:

- (a) AConsumer commodity@ means any food, drug, device or cosmetic and any other article, product or commodity of any kind or class which is customarily necessary or used for personal, family or household use and offered for sale at retail and which is listed in Section 757.06.
- (b) AUnit price@ means the price per measure.
(Ord. 1992-67. Passed 9-14-92.)

757.02 EXEMPTIONS.

Sellers at retail need not comply with the provisions of this chapter as to the following consumer commodities:

- (a) Medicine sold by prescription only;
- (b) Beverages subject to or complying with packaging or labeling requirements imposed under the Federal Alcohol Administration act;
- (c) Such consumer commodities which are required to be marked individually with a unit price under the provisions of any Ohio statute;
- (d) Food sold for consumption on the premises;
- (e) Any consumer commodity whose net quantity as offered for sale is one pound, one ounce, one pint, one gallon, one hundred count, one foot, one hundred feet, one square foot or one square yard, provided it has the retail price marked plainly thereon.
(Ord. 1992-67. Passed 9-14-92.)

757.03 MEANS OF DISCLOSURE.

(a) All retail establishments subject to this chapter shall disclose the unit price to consumers in one of the following manners:

- (1) By the attachment of a stamp, tag, label or sign within close proximity to the commodity; or
- (2) By affixing the unit price and the total price on the commodity itself; or
- (3) In the case of specially stored or displayed items, such as frozen commodities and goods which are marketed on end displays, by attaching the stamp, tag, label or sign on the shelf or display space contiguous with the area where the commodities are displayed; or
- (4) In the case of commodities not conspicuously visible to the consumer, by a sign or list conspicuously placed near the point of procurement.

(b) The stamp, tag, label or sign must be conspicuously visible to the consumer and carry the following:

- (1) The total selling price;
- (2) The unit price, expressed in terms of dollars or cents, as applicable, expressed in three digits. If the price is over one dollar (\$1.00), it may be expressed to the nearest full cent, provided that said price is rounded from .005 and over to the next higher cent; and if .004 or less to the next lower cent; but, that if it is expressed in cents, it be carried to three digits. Examples: A25.31 per pound@, A\$1.67 per quart@;
- (3) The applicable unit of weight, measure or count;
- (4) Identification of the consumer commodity to which the price information relates, if the stamp, tag, label or sign is not affixed to the commodity.

(c) In addition, at the option of the retail establishment, the stamp, tag, label or sign may include a description of the commodity being sold and other stocking information, provided that said information does not in any way obscure, deemphasize or confuse the unit price information as specified in subsection (b) hereof.

(d) The price per measure in all situations shall be printed in bold figures which shall be clear, conspicuous and legible.
(Ord. 1992-67. Passed 9-14-92.)

757.04 EXTENSION OF TIME FOR COMPLIANCE.

Any retail establishment which is unable to comply with this chapter within the time set forth herein may apply to the Director of Public Safety for permission to extend such time for compliance for an initial period not to exceed thirty days. Such retail establishment shall set forth, in as much detail as possible, the reasons for its inability to comply. The Director of Public Safety may extend such period from time to time, upon terms and conditions as he may deem reasonable, but not to exceed ninety days in total.

(Ord. 1992-67. Passed 9-14-92.)

757.05 RESPONSIBILITY FOR COMPLIANCE.

In the event of a violation of this chapter, the manager, or individual in charge of such retail establishment, and the individual or corporation employing such manager or individual in charge shall be deemed to be responsible for compliance by such retail establishment with the requirements of this chapter.

(Ord. 1992-67. Passed 9-14-92.)

757.99 PENALTY.

(a) Any person who violates any provision of this chapter shall, if found guilty, be subject to the penalty provided for a minor misdemeanor offense.

(b) For the purpose of the application of this section, any person who is convicted of a second offense under the provisions of this chapter shall be deemed to have committed a knowing and willful violation.

(Ord. 1992-67. Passed 9-14-92.)

BUSINESS REGULATION INDEX

EDITOR=S NOTE: References are to the Business Regulation Code sections only. As additional aids for locating material, users are directed to:

- (a) The Table of Contents page preceding the Code and the sectional analysis preceding each chapter.
- (b) The cross references to related material following each chapter analysis.

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